

REPEAL SECTION 7 OF ACT OF AUGUST 9, 1946 (60 STAT.
968)

DECEMBER 18, 1970.—Ordered to be printed

Mr. HALEY, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 380]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 380) to repeal section 7 of the act of August 9, 1946 (60 Stat. 968), having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate to the text and title of the bill, and agree to the same with an amendment as follows: In lieu of the text inserted by the Senate amendments insert the following: That section 7 of the act of August 9, 1946 (60 Stat. 968), is amended to read as follows:

"SEC. 7. (a) A person who is not an enrolled member of the Yakima Tribes with one-fourth degree or more blood of such tribes shall not be entitled to receive by devise or inheritance any interest in trust or restricted land within the Yakima Reservation or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951), if, while the decedent's estate is pending before the Examiner of Inheritance, the Yakima Tribes pay to the Secretary of the Interior, on behalf of such person, the fair market value of such interest as determined by the Secretary of the Interior after appraisal. The interest for which payment is made shall be held by the Secretary in Trust for the Yakima Tribes.

"(b) On request of the Yakima Tribes the Examiner of Inheritance shall keep an estate pending for not less than two years from the date of decedent's death.

"(c) When a person who is prohibited by subsection (a) from acquiring any interest by devise or inheritance is a surviving spouse of the decedent, a life estate in one-half of the interest acquired by the Yakima Tribes shall, on the request of such spouse, be reserved for that spouse and the value of such life estate so reserved shall be reflected in the Secretary's appraisal under subsection (a)."

SEC. 2. The provisions of section 7 of the Act of August 9, 1946, as amended by this Act, shall apply to all estates pending before the Examiner of Inheritance on the date of this Act, and to all future estates, but shall not apply to any estate heretofore closed.

JAMES A. HALEY,
ED EDMONDSON,
JOHN P. SAYLOR,

Managers on the Part of the House.

HENRY M. JACKSON,
PAUL J. FANNIN,

Managers on the Part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes between the two Houses on the amendments of the Senate to the bill, H.R. 380, to repeal section 7 of the act of August 9, 1946 (60 Stat. 968), submit this statement in explanation of the effect of the language agreed upon and recommended in the accompanying conference report.

A 1946 statute prohibits the inheritance of trust or restricted land on the Yakima Reservation by anyone who is not an enrolled member of the tribe, with one-fourth degree or more of Yakima blood, subject to a limited exception in the case of a surviving spouse.

H.R. 380 as passed by the House repealed that provision, and allowed the inheritance of land to be controlled by local law, which is the situation that exists on all other Indian reservations.

The Senate amendment leaves the existing law in effect, but adds an exception that permits a non-Yakima heir to inherit if the tribe fails to pay him for his interest in the land. In other words, the non-Yakima heir is entitled either to the land or its value in money, and the choice rests with the tribe.

The language agreed upon incorporates the substance of the Senate amendment, but revises the language to:

- (1) Delete an open ended appropriation authorization to buy land within the reservation;
- (2) Delete an open ended authority for the Secretary to reopen probate cases after they are closed;
- (3) Give the tribe title to the land for which it pays; and
- (4) Remove an internal conflict in the language used.

Although the language agreed upon still provides for the Yakima Reservation a rule of inheritance that is different from the rule that applies on all other reservations, the special rule will correct the inequities that previously existed, and should meet the needs of the Indians concerned.

JAMES A. HALEY,
ED EDMONDSON,
JOHN P. SAYLOR,

Managers on the Part of the House.

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